

**BOROUGH OF ROCKY HILL
COUNCIL MINUTES
OCTOBER 17, 2005**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Brian Nolan at 7:30 PM. Mayor Nolan led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Nolan noted statement of compliance that the meeting has been properly advertised in the December 31, 2004, issue of the Somerset Spectator and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Ms. Connie Hallman-present, Ms. Peggy Harris-present, Mr. George Morren-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present.

Also present: Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz, Engineer William Tanner

APPROVAL OF MINUTES

Regular Meeting Minutes - September 19, 2005 – Motion to approve the minutes was made by Morren with a second by Harris. Motion carried on roll call vote – all ayes; Hallman-abstain.

Special Meeting Minutes – September 26, 2005 – Motion to approve the minutes was made by Harris with a second by Hallman. Motion carried on roll call vote – all ayes; Batchelder-abstain.

Executive Session Minutes – September 26, 2005 – Motion to approve the minutes was made by Morren with a second by Witt. Motion carried on roll call vote – all ayes; Batchelder-abstain

Regular Meeting Minutes – October 3, 2005 – Motion to approve the minutes was made by Morren with a second by Harris. Motion carried on roll call vote; Batchelder-abstain, Witt-abstain, Zimmerman-abstain

PUBLIC COMMENTS

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

ENGINEER'S REPORT

Engineer Tanner's report dated October 3, 2005, for September 2005, (revised for the October 17th meeting) was received, distributed, and discussed (copy on file in Borough Clerk's Office). The following topics contained in the memorandum were discussed specifically:

Princeton Gamma Tech - In response to previous concern expressed by Mayor Nolan, letter to Engineer Tanner dated August 10, 2004, from the USEPA regarding the Princeton Gamma Tech well pumping situation was provided and discussed. It was agreed that upon determination of a shut-off level number by Superintendent Merk, a letter will be sent to the USEPA finalizing agreements to include the shut off level number and request for monetary guaranty to protect the Borough. Engineer Tanner will provide draft letter to the Mayor for his review prior to submission.

County Park Project - The possible donation of landscape materials for areas of VanHorne Park and cooperative effort of Montgomery Township employees and Sheriff's workers for installation of same was discussed. A concern has been expressed by a neighboring resident of the park as to the proximity of the bocce courts and horseshoe pits to his property line. Due to the fact that some of this project has already been installed, the contractor has estimated a cost of up to \$6,000.00 to remove and relocate same. It was determined that surplus monies earmarked for the project should be available to address this situation. It was agreed that measures should be taken to shift the courts and pits which would result in same being further away from the property line to address this concern and to make the project more aesthetically pleasing. Engineer Tanner will discuss the change with representatives of Montgomery Township. Motion to approve the change and expenditure of funds subject to the approval of Montgomery Township was made by Batchelder with a second by Morren. Motion carried on roll call – all ayes. Also discussed were washout and drainage problems which will be looked into by Engineer Tanner.

Municipal Recreation Shelter – Memorandum dated October 17, 2005, to Mayor and Council regarding prices received for the pavilion as part of the negotiations after the last bid was received and distributed. It was noted that the prices still exceed the monies budgeted for this project. Options for additional funding were discussed to include the Trails Grant recently received, recycling rebate funds being provided by the County, and budget transfers after November 1. Attorney Cruz will review the terms and conditions of the grant application as to how the funds are to be distributed/dispensed between Rocky Hill and Montgomery Township and Mr. Batchelder will confer with Borough Auditor Morrison as to the \$25,000 grant options in relation to the capital budget.

Leaf Contract – The pick up schedule was designated as follows: October 31, November 7, November 14, November 28, 2005. It was noted that these pick up days may extended over a consecutive, two day period. Council will consider whether an additional week will be required mid-way through the pick up process. Engineer Tanner will advise the contractor of the designated pick-up dates.

Traffic Calming – The following recommendations in speed reduction were made:

- Montgomery Ave. – 30 mph with additional reduction to 25 mph from Toth Lane to County Route 518;
- Princeton Ave. – 30 mph

At the request of Council, Engineer Tanner will provide supporting documentation, i.e. photograph evidence, to the State in support of these requests.

Clean-up Day – In response to complaints about various items not having been picked up, i.e. wood, doors, etc., Engineer Tanner will contact the contractor for follow-up.

At the request of Council, Engineer Tanner will follow-up on the following issues:

- potential drainage problem that may arise due to recent construction in the area of the Castaneda property on Montgomery Ave;
- storm sewer manhole issue on the north side of County Route 518 in the area of Crescent Ave.;
- traffic study on Young's Drive.

BILL LIST

Resolution

WHEREAS, the Treasurer has certified that sufficient funds are available to pay said vouchers,

BE IT, THEREFORE, RESOLVED, that the following vouchers be approved for payment.

Motion to approve the resolution was made by Morren with a second by Batchelder.

Motion carried on roll call vote – all ayes. (See Appendix 1 for Bill List)

COMMITTEE REPORTS:

Administration and Records – Mr. Witt distributed proposed Code revisions for review by Mayor and Council and discussion at the next meeting;

Buildings & Grounds – Mr. Zimmerman reported on sign installation at the tennis courts, purchase of park benches, and the mulch project recently completed at Panicaro Park by the sheriff's workers.

Finance & Insurance – Mr. Batchelder distributed copies of Current Fund expenses/balances report (dated 10/12/05) as generated through the newly installed fund accounting system. Future monthly, electronic reports will be provided to Mayor and Council. Requests for transfers within the budget were requested to be provided to Mr. Batchelder prior to the next meeting.

Public Safety & Emergency Services – Mr. Morren provided an overview of the State Police statistics for the months of August and September as submitted by the State Police via e-mail to Mr. Morren. The Constables' report and Court Administrator's report for September were also summarized. The Constables' services at the library opening were recognized.

Streets & Roads – Issues addressed during Engineer's report.

Water, Sewer & Environmental Protection – Ms. Hallman summarized utilization report for September as submitted by Superintendent Larry Merk.

Council Representative to Planning Board – Ms. Harris reported the Wellhead Ordinance was discussed and approved; two informal concept reviews were presented.

Council Representative to School Board – no report at this time.

Council Representative to Board of Health – Mr. Bill Hallman, representing Mary Germaine, provided the following: the proposed WAWA application was discussed by the Board of Health. Health Official Pappenberg has recommended that the following concerns be related to Montgomery Township: two proposed exits onto County Route 518, noise issues, feasibility of acoustical study for Ambrose property that borders the proposed project, enforcement of law regarding idling of vehicles. Mr. Pappenberg will be requesting an environmental impact study and traffic engineering study from Montgomery Twp. regarding this project and relate their concerns to council and the planning board. The County Planning Board will also be contacted to ascertain their opinion as to the traffic situation. The flu clinic will be held on October 20, 2005, at the Rocky Hill Reformed Church between 9-11 AM; professional services contract for 2006 was reviewed with Mr. Pappenberg and there doesn't appear to be a problem with the renewal of services with South Brunswick; mold abatement seminar will be attended; governmental board of health performance standards have been submitted; feasibility of fluoridation of the water supply is being looked into by Superintendent Larry Merk; down-shifting of trucks "jake braking" ordinance was discussed; request was made for the referral of any Deer Committee reports to the Board of Health. Board of Health meetings will be held on November 1, November 29, and January 10, 2006 at 7:15 PM in Borough Hall.

Zoning Official – no report at this time.

SPECIAL BUSINESS

ORDINANCE #6 – 2005 – PUBLIC HEARING/SECOND READING

Ordinance #6-2005 as filed in the Borough Clerk's Office and entitled,"

AN ORDINANCE TO AMEND THE DEVELOPMENT REGULATIONS ORDINANCE OF ROCKY HILL BOROUGH BY ADDING A NEW ARTICLE, ARTICLE 11, "WELL HEAD PROTECTION".

was read by title. Mayor Nolan noted the ordinance has been reviewed by Utilities Superintendent Larry Merk, the Planning Board, and the Board of Health, all in support of the adoption of same. Mayor Nolan opened the floor to the public for comments. Hearing none, the floor was closed. Motion to adopt the ordinance was made by Harris with a second by Morren. Motion carried on roll call vote – all ayes.

Review and possible introduction of Ordinance #7-2005, AN ORDINANCE GRANTING A (20) YEAR NON-EXCLUSIVE FRANCHISE TO SUNESYS, INC. RENEWABLE FOR THREE (3) TEN YEAR TERMS FOR THE USE OF A LIMITED PORTION OF THE BOROUGH OF ROCKY HILL'S PUBLIC ROAD RIGHTS-OF-WAY FOR THE PURPOSE OF TELECOMMUNICATIONS TRANSMISSION SERVICE.

Mark Caldwell, Manager of Right-of-Way, of Sunesys, Inc. appeared before Mayor and Council. Mr. Sunesys provided an overview of the company and their customer base. Mr. Caldwell is requesting authorization to hang fiber optic cable through the Borough of Rocky Hill (for a distance of approximately one mile) for utilization by one of their clients. The cable will be run on existing poles of Verizon and PSE&G and installation should take approximately one to two days. The Sunesys company is offering to pay a fee to the Borough of \$5,000.00 with an additional \$3,000 for engineering costs for the entire term of the contract (20 yrs + (3) 10 year options). Mr. Caldwell addressed concerns by Mayor and Council in regard to location maps submitted, maintenance, repair, removal of the line, capacity, length of terms, and fees associated with the request. After considerable discussion, it was agreed that the Borough may be favorable to the granting of a 20 year (no option) term and the posting of an annually renewable bond for the repair and removal of the cable. Request was made for copies of executed agreements with all other municipalities detailing terms, length of cable installed, and fees agreed upon which will need to be reviewed. Mr. Caldwell indicated that the bond terms would need to be addressed by the company's legal counsel. Also requested to be submitted is a correct rendering of the location maps for the area in question. Attorney Cruz will review the terms proposed by the Borough with counsel for Sunesys and report back with his findings for further consideration. Introduction of ordinance held over to November 7, 2005, meeting.

COMMUNICATIONS

Correspondence as outlined on the agenda was reviewed and ordered filed. Mayor Nolan noted a thank you received from Squad Captain Snedeker for the Borough's Volunteer Appreciation Day event. Correspondence received from the DOT regarding the Corridor Management Plan for Millstone Valley Bi-Way was referenced and re-appointments to the previously appointed committee will be considered by the Mayor for participation in this process. Receipt of card from Tom Cahill acknowledging Borough's appreciation of the painting of the fire hydrants was received. Mayor Nolan referenced correspondence received regarding a shopper's magazine which will be carried for discussion at the next meeting and receipt and distribution of correspondence received from Verizon regarding a new cable television service being offered.

UNFINISHED BUSINESS:

Disposition of Rocky Hill Tennis Association Bank Account – Notice was received from the bank that this account has been inactive. Ordinance establishing this account will be reviewed by Attorney Cruz and disposition of remaining funds in the account will be discussed between Borough Auditor Morrison and Attorney Cruz. Clerk Whitlock will determine the outstanding balance in the account and report back.

Discuss Fee Ordinance for Borough records, etc. - Attorney Cruz will provide copies of draft ordinance to be considered for adoption. Sample copy of another municipality's fee ordinance was distributed for comparison purposes.

NEW BUSINESS:

Receipt of Proposed 2005 Smart Bill Resolution was received and distributed. Action carried to November meeting.

PUBLIC COMMENT

There being no public comments/questions, the floor was closed to the public.

EXECUTIVE SESSION:

Motion by resolution to move into executive session was made by Witt with a second by Harris to discuss: Matters of possible litigation – Proposed WAWA in Montgomery Twp. at Rocky Hill Borough's western border. Motion carried on roll call vote – all ayes.

RESULTS OF CLOSED SESSION:

Motion to return to open session was made by Harris with a second by Morren. Motion carried on roll call vote – all ayes. Mayor and Council directed Special Counsel Valerie Bollheimer to prepare and forward the following correspondence on behalf of the Borough to Montgomery Township in regard to the proposed WAWA application before the Township: letter addressed to the Montgomery Township Planning Board requesting elimination of the master plan road proposed along the border of Rocky Hill Borough;

Request to the Montgomery Township Planning Board for copies of the transcripts of all taped meetings relative to this application; letter to the Montgomery Township Police Department requesting accident history at the intersection of Routes 518 and 206.

ADJOURNMENT:

Motion to adjourn the meeting at 10:45 PM was made by Harris with a second by Morren.
Motion carried on voice vote – all ayes.

Respectfully submitted:

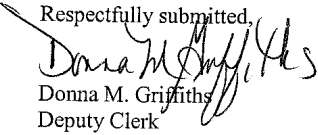
Donna M. Griffiths
Deputy Clerk

BOROUGH OF ROCKY HILL
COUNCIL MINUTES
EXECUTIVE SESSION

October 17, 2005

Special Counsel Valerie Bollheimer provided a status update of the proposed WAWA in Montgomery Township along the western border of Rocky Hill and the course of action to be considered by the Borough as far as the manner(s) in which to approach the Township regarding this application.

Respectfully submitted,


Donna M. Griffiths
Deputy Clerk